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13 HOME DEPOT U.S.A., INC.

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 JAMES FURTADO LUM, an individual;
17 DOROTHY LEWIS, an individual,

18 Case No.: 2:24-cv-00300-RFB-EJY

19 Plaintiffs,

20 v.

21 HOME DEPOT U.S.A., INC., a foreign
22 corporation; DOE SECURITY OFFICER a/k/a
23 VAUGH, an individual; DOES I through X;
24 and ROE CORPORATIONS I through X ,
25 inclusive,

26 **AMENDED FRCP 26 JOINT
DISCOVERY PLAN AND
SCHEDULING ORDER**

27 Defendants.

28 Plaintiffs, JAMES FURTADO LUM and DOROTHY LEWIS, and Defendant HOME
DEPOT U.S.A., INC., submit this proposed joint discovery plan and scheduling order to this
Honorable Court.

29 **FRCP 26(f) Conference:** On March 15, 2024, the Parties held a scheduling conference
30 discuss the issues required by Federal Rule Civil Procedure (“FRCP”) 26(f). The Parties granted
31 each other a mutual extension of time to serve FRCP 26 Initial Disclosures in this lawsuit and
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1 the disclosures are due by agreement by April 15, 2024.

2 The Parties respectfully request an eight-month discovery period. There is good cause
 3 for an extended discovery schedule because of the delay in exchanging Initial Disclosures. The
 4 Plaintiff intends to produce HIPAAs so that Plaintiff's medical records may be subpoenaed and
 5 given his complex injuries, the alleged medical discovery will take additional time.

6 **Discovery Cut-Off Date:** The proposed cut-off date for discovery shall be **August 12,**
 7 **2024**, which is 180 days from the date of Defendant's first appearance in federal court in the
 8 case, which occurred on February 12, 2024.

9 1. **Amending the Pleadings and Adding Parties:** All motions to amend the
 10 pleadings or to add parties shall be filed no later than **May 14, 2024**, ninety (90) days prior to the
 11 proposed close of discovery.

12 2. **FRCP 26(a)(2) Disclosures (Experts):** Disclosures concerning experts shall be
 13 made by **June 13, 2024**, sixty (60) days before the proposed discovery cut-off date. Disclosures
 14 concerning rebuttal experts shall be made by **July 15, 2024**, thirty (30) days after the initial
 15 disclosure of experts. Home Depot has noticed the Plaintiff that intends to conduct an IME of the
 16 Plaintiff for his continuing orthopedic injuries and requested a stipulation to the same given the
 17 allegations of future treatment. If Plaintiff will not agree to an IME, Home Depot anticipates
 18 filing a motion to conduct one.

19 3. **Dispositive Motions:** The date for filing dispositive motions shall be **September**
 20 **11, 2024**, thirty (30) days after the proposed discovery cut-off date. In the event that the
 21 discovery period is extended from the discovery cut-off date set forth in this proposed discovery
 22 plan and scheduling order, the date for filing dispositive motions shall be extended to be not later
 23 than thirty (30) days from the subsequent discovery cut-off date.

24 4. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
 25 **October 11, 2024**, thirty (30) days after the cut-off for filing dispositive motions. In the event
 26 that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended
 27 until thirty (30) days after the decision on the dispositive motions or until further order of the
 28 court. In the further event that the discovery period is extended from the discovery cut-off date

1 set forth in this discovery plan and scheduling order, the date for filing the joint pretrial order
 2 shall be extended in accordance with the time periods set forth in this paragraph.

3 5. **FRCP 26(a)(3) Disclosures:** The disclosures required by FRCP 26(a)(3), and any
 4 objections thereto, shall be included in the joint pretrial order.

5 6. **Alternative Dispute Resolution:** The Parties have discussed the possibility of
 6 using alternative dispute-resolution processes and will continue to explore the possibilities of
 7 settlement as this case proceeds.

8 7. **Alternative Forms of Case Disposition:** The Parties have discussed the
 9 possibility of trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and
 10 agree that this case is best suited before the District Court.

11 8. **Electronic Evidence:** The Parties do not at this time anticipate any issues about
 12 disclosures or discovery of electronically stored information, if any, including the form or forms
 13 in which it should be produced. The parties shall meet and confer and otherwise work in good
 14 faith with respect to the production of electronically stored information should any dispute arise.

15 9. **Extensions or Modifications of the Discovery Plan and Scheduling Order:**

16 Any stipulation or motion must be made pursuant to LR 26-4 and be supported by a showing
 17 of good cause, no later than twenty-one (21) days before the subject deadline.

18 10. **Subjects of Discovery:** The Parties agree that discovery may be taken on any subject
 19 permitted by the Federal Rules of Civil Procedure. Home Depot reserves the right to conduct
 20 Independent Medical Examinations.

21 11. **Discovery Phases:** The Parties do not believe it is necessary to conduct discovery in
 22 phases.

23 12. **Document Production:** All documents produced in this action will be delivered as
 24 either hardcopy documents, as a single-page Tagged Image File Format (“TIFF”), Portable
 25 Document Format (“PDF”) images, or as an electronic documents in native format. The Parties
 26 agree to serve by email any document filed with the Court.

27 13. **Protective Orders for Confidential Documents and/or Information:** The Parties
 28 have discussed the need for a protective order for Home Depot’s confidential documents and will

1 to negotiate to resolve any issues that may arise in good faith. This scheduling order is submitted
2 to the Court in good faith and not for the purpose of delay.

3 DATED this 11th day of April, 2024.

DATED this 11th day of April, 2024.

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5 **LAW FIRM OF PARKE ESQUIRE**

6 /s/ Kurt Lambeth
7 KURT LAMBETH, ESQ.
Attorneys for Plaintiffs

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5 **HOMAN, STONE & ROSSI, APC**

6 /s/ Lynn V. Rivera
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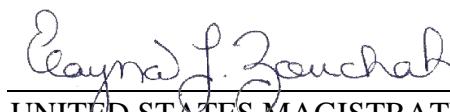
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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

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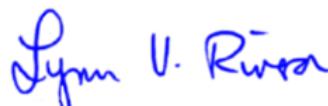
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DATED: April 11, 2024

HOMAN, STONE & ROSSI, APC

By: 
LYNN V. RIVERA, ESQ.
Attorneys for Defendant
HOME DEPOT U.S.A., INC.